

Judge Brian A. Tsuchida

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APR 03 2013

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY LAVIOLETTE,
RYAN LAMBERT and
KALI HENIFIN,

Defendants.

CASE NO. MJ13-180

COMPLAINT for VIOLATION
21 U.S.C. § 841(a)(1)

BEFORE, Brian A. Tsuchida, United States Magistrate Judge, U. S. Courthouse, Seattle,
Washington. The undersigned complainant being duly sworn states:

Count 1
(Conspiracy to Distribute MDMA (Ecstasy))

On or about April 2, 2013, at Whatcom County, within the Western District of
Washington, and elsewhere, JEFFREY LAVIOLETTE, RYAN LAMBERT, KALI HENIFIN and
others known and unknown did knowingly and intentionally conspire to distribute
methylenedioxymethamphetamine/MDMA (ecstasy), a substance controlled under Title 21,
United States Code, Section 812.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and
846.

Count 2
(Possession of MDMA (Ecstasy) with Intent to Distribute)

On or about April 2, 2013, at Whatcom County, within the Western District of Washington, and elsewhere, JEFFREY LAVIOLETTE, RYAN LAMBERT and KALI HENIFIN did knowingly and intentionally possess, and aid and abet the possession of, methylenedioxymethamphetamine/MDMA (ecstasy), a substance controlled under Title 21, United States Code, Section 812, with the intent to distribute.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

I, Ian Wallace, being first duly sworn on oath, depose and say:

1. I am a Special Agent with United States Homeland Security Investigations (HSI), assigned to the field office in Blaine, Washington, and have been so employed since July 6, 2008. Prior to my as employment as an HSI Special Agent, I was a community corrections officer with the Washington State Department of Corrections for seven years. As an HSI Special Agent, I have received extensive training in the investigation of violations of federal law, including the Money Laundering and Control Act, the Racketeer Influenced and Corrupt Organization Act (Title 18, United States Code), the U.S. Customs Code (Title 19, United States Code), and the Controlled Substances Import/Export Control Act (Title 21, United States Code). I have also personally participated in numerous investigations concerning the illegal importation and distribution of controlled substances into and throughout the United States; and the use, concealment, and exportation of the proceeds of narcotic trafficking activities.

2. On April 2, 2013, at approximately 9:00 a.m., United States Border Patrol agents were conducting interdiction operations in the area of Heady Road and Reese Hill Road in Whatcom County, Washington. This location is less than one mile from the United States/Canada border east of Sumas, Washington.

3. Border Patrol Agents observed two individuals wearing backpacks, walking southbound from the direction of Canada through a forest area known to be used by individuals smuggling contraband between the United States and Canada.

1 4. The agents announced their identity as Border Patrol Agents, and ordered the two
2 suspects to stop. In response, one of the suspects dropped his backpack and fired a weapon at the
3 agents. Both suspects then fled the area, and were chased by Border Patrol. Agents were able to
4 apprehend one of the suspects, identified as Jeffrey Laviolette. Agents searched Laviolette's
5 person and recovered a walkie-talkie style radio. Agents recovered the two, large camouflage
6 backpacks which were found to contain approximately 58.5 pounds of a white powdery
7 substance, which later produced a positive field-test for ecstasy. The suspect that fired at agents
8 was later located at an apartment in Canada and identified as Nathan Hall, a Canadian citizen.
9 Canadian law enforcement sent a Special Response Unit to the location and ordered Hall to come
10 out of the residence. After no response, police launched gas munitions into the apartment and
11 arrested Hall. Also inside the apartment, police found Laviolette's girlfriend [REDACTED]

12 5. Agents advised Laviolette of his *Miranda* rights and he agreed to answer
13 questions. Laviolette admitted to crossing the border from Canada to smuggle ecstasy into the
14 United States. Laviolette told agents that he had smuggled narcotics two times previously with
15 the suspect that shot at agents and fled. In one of the backpacks, agents recovered a California
16 driver's license bearing the name William Nickerson, but displaying a photograph of Nathan
17 Hall.

18 6. Laviolette said he and Hall were supposed to be picked up in the United States by
19 a white female, later identified as Kali Henifin, driving a white Honda vehicle, and that
20 Laviolette's contact in the United States was Henifin's boyfriend. Laviolette said that the
21 boyfriend drove an older, burgundy BMW. Laviolette said that he was previously at Henifin's
22 apartment located at [REDACTED] Bellingham, Washington during a prior smuggling
23 trip.

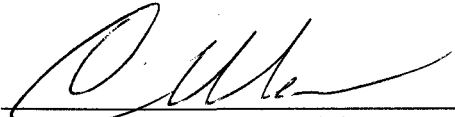
24 7. HSI agents responded to Henifin's apartment complex and found a white Honda
25 bearing Washington license [REDACTED] registered to Henifin. Agents also found a burgundy
26 BMW, bearing Washington license plate [REDACTED] registered to Ryan Lambert.

27 8. Agents watched Henifin leave an apartment carrying items in her hands and walk
28 towards her car. Agents contacted Henifin, advised her of her *Miranda* rights, and she agreed to

1 answer questions. Henifin said she and her boyfriend Lambert were supposed to pick up Hall
2 and Laviolette early that day. Henifin said she and Lambert were listening to a police scanner
3 application that they downloaded to her telephone to monitor law enforcement activity. Henifin
4 said that after they heard reports of the shooting, they left the area. Henifin said she picked up
5 Hall and Laviolette once before in mid-March, that she knew they were Canadians entering the
6 country illegally, and she suspected they were involved in drug activity. Agents searched
7 Henifin's white Accord and recovered two, walkie-talkie radios, and a GPS navigational device
8 purchased earlier that morning at Walmart.

9 9. While HSI agents were talking to Henifin, other surveillance agents observed
10 another vehicle arrive at the complex with Lambert in the front passenger seat. As Lambert got
11 out of the vehicle and approached Henifin's apartment, agents contacted him. Agents also
12 contacted the driver of a vehicle, and he consented to a search of his car. The driver told agents
13 that Lambert hid a cellular telephone in the glove box which agents recovered, and found it to be
14 an encrypted blackberry device.

15 10. Agents advised Lambert of his *Miranda* rights, and he agreed to answer questions.
16 Lambert also told agents that he and Henifin were supposed to pick up Hall and Laviolette early
17 that day, but left the area once they heard about the shooting and law enforcement response on a
18 police scanner. Lambert also admitted that he arranged for Henifin to pick up Hall and
19 Laviolette in mid-March. Lambert said that on this occasion he was supposed to drive the
20 narcotics to San Francisco and would be paid \$11,000.

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23 IAN WALLACE, Complainant
24 Special Agent
United States Homeland Security Investigations

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2 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
3 presence, the Court hereby finds that there is probable cause to believe the defendant committed
4 the offense set forth in the Complaint.

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6 Dated this 3 day of April, 2013.

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9 BRIAN A. TSUCHIDA
UNITED STATES MAGISTRATE JUDGE